

EXHIBIT K

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 - - -

4 IN RE: TERRORIST ATTACKS : 03-MDL-1570
5 ON SEPTEMBER 11, 2001 : (GBD)(SN)

6

7

8

9 - - -

10 JULY 22, 2021

11 THIS TRANSCRIPT CONTAINS
12 CONFIDENTIAL MATERIAL

13 - - -

14

15

16 Remote Videotaped
17 Deposition, taken via Zoom, of JONATHAN
18 MARKS, commencing at 9:00 a.m., on the
19 above date, before Amanda
20 Maslynsky-Miller, Certified Realtime
21 Reporter and Notary Public in and for the
22 Commonwealth of Pennsylvania.

23

24 - - -

25 GOLKOW LITIGATION SERVICES
26 877.370.3377 ph| 917.591.5672 fax
27 deps@golkow.com

28

29

1 APPEARANCES:

2

3 KREINDLER & KREINDLER LLP
4 BY: ANDREW J. MALONEY III, ESQUIRE
485 Lexington Avenue, 28th Floor
5 New York, New York 10017
(212) 687-8181
6 amaloney@kreindler.com
Representing the Ashton, et al.,
7 Plaintiffs
8

9 COZEN O'CONNOR P.C.
10 BY: SEAN P. CARTER, ESQUIRE
BY: J. SCOTT TARBUTTON, ESQUIRE
11 One Liberty Place
1650 Market Street
Suite 2800
12 Philadelphia, Pennsylvania 19103
(215) 665-2000
13 scarter1@cozen.com
starbutton@cozen.com
14 Representing the Plaintiffs
15
16

17 ANDERSON KILL P.C.
18 BY: JERRY S. GOLDMAN, ESQUIRE
1251 Avenue of the Americas
New York, New York 10020
19 (212) 278-1000
jgoldman@andersonkill.com
20 Representing the Plaintiffs'
Steering Committee
21
22
23
24

1 APPEARANCES: (Continued)

2

3

MOTLEY RICE LLC

BY: ROBERT T. HAEFELE, ESQUIRE

4

BY: JODI WESTBROOK FLOWERS, ESQUIRE

BY: C. ROSS HEYL, ESQUIRE

5

28 Bridgeside Boulevard

Mount Pleasant, South Carolina 29464

6

(843) 216-9000

rhaefeale@motleyrice.com

7

jflowers@motleyrice.com

rheyl@motleyrice.com

8

Representing the Plaintiffs' Steering

Committee and the Burnett Plaintiffs

9

10

11

JONES DAY

12

BY: ERIC SNYDER, ESQUIRE

BY: GABRIELLE PRITSKER, ESQUIRE

13

51 Louisiana Avenue, N.W.

Washington, D.C. 20001

14

(202) 879-3939

esnyder@jonesday.com

15

gpritsker@jonesday.com

Representing the Defendant,

16

Dubai Islamic Bank

17

18

LEWIS BAACH KAUFMANN MIDDLEMISS PLLC

BY: SUMAYYA KHATIB, ESQUIRE

19

1101 New York Avenue, N.W.

Suite 1000

20

Washington, DC 20005

(202) 833-8900

21

sumayya.khatib@lbkmlaw.com

Representing the Defendants,

22

Muslim World League, the

International Islamic Relief

23

Organization, and

Drs. Turki, Al-Obaid, Naseef and Basha

24

1 APPEARANCES: (Continued)

2

3 LAW FIRM OF OMAR T. MOHAMMEDI, LLC

BY: OMAR T. MOHAMMEDI

4 BY: JILL L. MANDELL, ESQUIRE

233 Broadway

5 Suite 820

New York, New York 10279

6 (212) 725-3846

omohammedi@otmlaw.com

7 jmandell@otmlaw.com

Representing the Defendant,

8 WAMY and WAMY International

9

10

11 GOETZ & ECKLAND P.A.

BY: FREDERICK J. GOETZ, ESQUIRE

12 615 1st Avenue NE

Suite 425

13 Minneapolis, Minnesota 55413

(612) 874-1552

14 fgoetz@goetzeckland.com

Representing the Defendant,

15 WAMY and WAMY International

16

17 ALSO PRESENT:

18 David Lane, Videographer

Dianne Int-Hout, Trial Technician

19

20 Linde Hoffman, Legal Assistant, Jones Day

21

22

23

24

1 in the invoices for you reviewing
2 documents was 14 hours, correct?

3 MR. GOETZ: Objection.
4 Form.

5 THE WITNESS: We went
6 through this. Yes, that's what it
7 says on the time sheets. Yes.

8 BY MR. CARTER:

9 Q. Do you know how many
10 documents you personally actually
11 reviewed --

12 A. I don't.

13 Q. -- prior to the issuance of
14 your report?

15 A. I don't.

16 Q. Well, did you review tens of
17 thousands of documents or fewer?

18 A. We reviewed -- we reviewed a
19 lot of documents. I don't know the exact
20 amount.

21 Q. I'm not asking whether we,
22 "we" meaning Baker Tilly, reviewed.

23 I'm asking whether you
24 reviewed tens of thousands of documents?

1 A. I wouldn't say I reviewed
2 tens of thousands of documents, no. Like
3 I said, that's not the process that we
4 went through -- go ahead.

5 Q. So you review -- you relied
6 on other people to review documents and
7 they provided their analysis to you; is
8 that correct?

9 A. Yes.

10 Q. And how did they provide
11 that analysis to you?

12 A. We would have regular and
13 ongoing discussions.

14 Q. And did they provide any
15 summaries to you relating to their
16 review, analysis or findings?

17 A. I'm sure they summarized it
18 to me, otherwise -- yes. Absolutely,
19 yes. They summarized information for me.

20 Q. And so you relied on those
21 summaries for purposes of developing your
22 opinions and writing your report,
23 correct?

24 A. I relied on those summaries

1 to evaluate whether I believed that those
2 were complete and accurate. And if I
3 thought that we needed more information,
4 I would -- I asked my staff to go back
5 and get me more details.

6 So placing reliance on them,
7 it all depended on many different
8 factors.

9 Q. Well, you considered them in
10 the context of developing your opinions
11 and report in the case, correct?

12 A. Yes.

13 Q. And do you list any of those
14 summaries or any analyses provided by
15 your staff in the documents considered
16 section of your report?

17 MR. GOETZ: Objection.

18 Form.

19 THE WITNESS: I don't have
20 any written summaries. So the
21 answer to that is no.

22 BY MR. CARTER:

23 Q. Well, they didn't provide
24 you any information in writing relating

1 to their review of the documents?

2 A. No. It was all done through
3 meetings and discussions.

4 Q. And you were able to assess
5 the competence and quality of the review,
6 by a dozen employees, of tens of
7 thousands of documents based on verbal
8 communications at meetings?

9 A. Yes.

10 Q. And you didn't feel the need
11 to have anyone put any of their analysis
12 down in writing so you could study it and
13 make sure you thought it was accurate?

14 A. I'm just telling you how it
15 worked. We had conversations about the
16 documents. If I thought that they
17 were -- if I thought -- if I understood
18 what it was that they were trying to say,
19 that was fine.

20 If not, if I needed more
21 information or required more information,
22 or there was something that I wanted to
23 be looked into further, then that's what
24 we did.

1 But I do not have anything
2 written in the form of any analysis, no.

3 Q. And individuals on your
4 staff also billed time for participating
5 in the drafting of the report, correct?

6 A. They helped, yes, when I had
7 questions. And that's why it says
8 drafting of the report.

9 I drafted the report.

10 Q. Well, there are significant
11 time entries, Mr. Marks, for other
12 individuals described as related to the
13 drafting of the report. They are not
14 incidental entries.

15 Can you explain that?

16 MR. GOETZ: Objection.

17 Form.

18 THE WITNESS: I can explain
19 the process, sure.

20 Would you like me to explain
21 the process?

22 BY MR. CARTER:

23 Q. Well, no.

24 I'd like you to explain why,

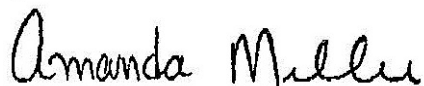
This transcript contains confidential material

CERTIFICATE

I, Amanda Maslynsky-Miller, Certified
Realtime Reporter, do hereby certify that
prior to the commencement of the examination,
JONATHAN MARKS, was remotely sworn by me to
testify to the truth, the whole truth and
nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a
verbatim transcript of the testimony as taken
stenographically by me at the time, place and
on the date hereinbefore set forth, to the
best of my ability.

I DO FURTHER CERTIFY that I am neither a
relative nor employee nor attorney nor
counsel of any of the parties to this action,
and that I am neither a relative nor employee
of such attorney or counsel, and that I am
not financially interested in the action.



Amanda Miller
Certified Realtime Reporter
Dated: August 2, 2021

(The foregoing certification of this
transcript does not apply to any reproduction
of the same by any means, unless under the
direct control and/or supervision of the
certifying reporter.)

1 INSTRUCTIONS TO WITNESS

2
3 Please read your deposition
4 over carefully and make any necessary
5 corrections. You should state the reason
6 in the appropriate space on the errata
7 sheet for any corrections that are made.

8 After doing so, please sign
9 the errata sheet and date it.

10 You are signing same subject
11 to the changes you have noted on the
12 errata sheet, which will be attached to
13 your deposition.

14 It is imperative that you
15 return the original errata sheet to the
16 deposing attorney within sixty (60) days
17 of receipt of the deposition transcript
18 by you. If you fail to do so, the
19 deposition transcript may be deemed to be
20 accurate and may be used in court.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

- - - - -
E R R A T A
- - - - -

PAGE	LINE	CHANGE
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

1 ACKNOWLEDGMENT OF DEPONENT

2
3 I, _____, do
4 hereby certify that I have read the
5 foregoing pages, 1 - 316, and that the
6 same is a correct transcription of the
7 answers given by me to the questions
8 therein propounded, except for the
9 corrections or changes in form or
10 substance, if any, noted in the attached
11 Errata Sheet.

12 _____
13 JONATHAN MARKS

14 _____
15 DATE

16 Subscribed and sworn
17 to before me this
18 _____ day of _____, 20____.

19 My commission expires: _____
20 _____

21 Notary Public
22
23
24

	LAWYER'S NOTES		
	PAGE	LINE	
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			